

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-8 and 10-12 remain pending. By this communication, claims 1, 5-8, and 10-12 are amended.

In numbered paragraph 1 on page 2 of the Office Action, the Examiner acknowledges Applicant's foreign priority claim, and indicates that a certified copy of the foreign application is not in the record. Applicants submit herewith, a certified copy of the foreign priority document.

In numbered paragraph 3 on page 2 of the Office Action, claims 8-12 are rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, in an effort to expedite prosecution these claims have been amended for clarity. Withdrawal of this rejection is respectfully requested.

In numbered paragraph 5 beginning on page 2 of the Office Action, claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicants respectfully traverse this rejection, but have amended the aforementioned claims to address the Examiner's concerns. As a result, withdrawal of this rejection is respectfully requested.

In numbered paragraph 7 beginning on page 3 of the Office Action, claims 1-7 are rejected under 35 U.S.C. §102(e) for alleged anticipation by *Baird* (U.S. Patent No. 7,062,262). Applicants respectfully traverse this rejection.

As variously shown in Figures 1-4, Applicants' embodiment include allocating a unit identity to a production unit. The unit identity can be disclosed by means of figures, letters, or a combination of both. The unit identity is registered in a

database. A material quantity defines a certain product by volume or other quantities. When a product is produced in a plant for liquid foods, different material volumes or quantities of the product are transported. The manner or type of transport may encompass all or a portion of an entire material volume or quantity. The transport may be defined as a number of events that constitute transporting the product between the different production units. Each event has a source and a destination, which may be associated to different production units. The events are registered in a table of the database and can be allocated a unique event identity. The events are registered with references to the material quantity work identity and with respect to the unit identities of the source or destination.

Applicants' claims broadly encompass the aforementioned features by reciting, among other elements, displaying data associated with at least one event of a specific point in time based on the unit identity of a production unit and a work identity of a material quantity.

The *Baird* patent fails to establish a *prima facie* case of anticipation because it does not teach every element recited in Applicants' claims.

The *Baird* patent is directed to a production chain element tracking apparatus that tracks the production of a product from its raw materials into a product ready for consumer consumption. See column 5, lines 13-40. In this process, containers that store input ingredients have bar codes that are scanned and stored in a central processor. A customer may obtain information regarding a food chain extending to and/or from a particular product by submitting a query over a network. In this manner, a process can be identified in which a particular ingredient was used.

Applicants respectfully submit that the claimed material quantity is not analogous to the raw materials described in the *Baird* patent. For instance, Applicants' material quantities can be tracked throughout the entire production process and up to a specific point in time. The claimed material quantities are flowable liquids that do not change form. In contrast, the *Baird* patent does not track each raw material input into the process at a specific point in time based on a unit identity of a production unit and a work identity of a material quantity. Rather, the *Baird* patent tracks when that material was used in the process. In fact, it appears that it will be impossible to track each raw material that is used since these materials arguable undergo chemical changes during the processing such that they are no longer detectable (i.e., dissolved, crushed, etc.). For at least these reasons, one of ordinary skill would not reasonably conclude that the *Baird* patent discloses or suggests a displaying feature as recited in Applicants' claims.

The Examiner is reminded that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Based on the foregoing discussion, withdrawal of this rejection is respectfully requested.

In numbered paragraph 16 on page 5 of the Office Action, claims 8-12 stand rejected under 35 U.S.C. §103(a) as unpatentable over the *Baird* patent. Applicants respectfully traverse this rejection.

The *Baird* patent fails to render Applicants' claims as obvious because it does not teach or suggest a registering step as recited in Applicants' claims. The *Baird* patent does not appear to have the capability to track a portion of a flowable liquid

throughout the transportation process as recited in Applicants' claims. Rather, the *Baird* patent appears to be directed to trace when raw materials were used to produce a chicken product. Since many of the raw materials go through chemical changes during the process, it does not appear that the quantity of the materials can be tracked during the production of the chicken product. For these reasons, the *Baird* patent fails to establish a *prima facie* case of obviousness.

The Examiner has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). For these reasons, withdrawal of this rejection is respectfully requested.

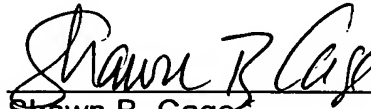
Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-8 and 10-12 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 4, 2008

By:

A handwritten signature in dark ink, appearing to read "Shawn B. Cage", is written over a horizontal line.

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